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International Law Topics: Neutrality Proclamations and Regulations with Notes

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Republic, it being impossible to have an expert of Austrian nationality, evidently disqualified for such a mission ;

It is resolved:

1. The radio station of Cartagena will continue, subject to the measures previously adopted for preventing its use, under the inspection and supervision of the official Colombian expert and the local political authorities. If these authorities, in accord with the expert, consider new orders or new measures necessary for the better assurance of the neutrality of the Republic, they will decree them on their own authority in urgent cases and in ordinary cases will consult this ministry. The home of the German employees who previously worked in the station will not be troubled, although this home be near the place of the radio apparatus, the use of this apparatus continuing to be absolutely impossible.

2. The station of San Andres will remain closed for a time and in the manner which will be indicated by the competent ministry.

3. The station of Santa Marta can continue to exercise its rights, but subject always to the departmental and national authorities; but it can not have in its service individuals of the nationality of any of the belligerents.

4. The vessels belonging to belligerent states and lying in Colombian waters will continue to be subject to the supervision and to the inspection of the authorities of the Republic, and their apparatus will remain incapable of operation and paralyzed in a manner believed to be effective; and, if necessary, they will be transported to land, in whole or in part, as will be prescribed.

Let this resolution be communicated to the honorable legations of the United States, Great Britain, the German Empire, and the French Republic in this city and transmitted by courier to the governors of Bolivar, Atlantico, and Magdalena.

Published in the *Journal Officiel*.

Done at Bogota, July 14, 1915.

By His Excellency the President of the Republic.

The Minister,

MARCO FIDEL SUAREZ.

CUBA.

*Proclamation of neutrality, August 5, 1914.*¹

[Boletin Oficial de la Secretaria de Estado, 1914, p. 361.]

To the citizens of Cuba:

According to the official information received at the Office of the Secretary of State, there actually exists a state of war be-

¹ Similar proclamations were issued in reference to the wars between Russia and Austria-Hungary, Aug. 13, 1914; France and Turkey, Nov. 9, 1914; Austria-Hungary and Italy, May 25, 1915; Italy and Germany, Sept. 9, 1916.

tween Austria, Servia, Germany, Belgium, France, and England. As it has been communicated to the belligerent nations that the Government of the Republic will observe the strictest neutrality during the conflict, in accordance with the rules of international law, I make known the decision of the Government so that all the inhabitants of the territory of the Republic and all Cuban citizens may act in accordance with said declaration of neutrality.

Mariel, the fifth of August, nineteen hundred and fourteen.

M. G. MENCAL.

Decree providing for the observance of neutral duties, August 10, 1914.

[Boletín Oficial de la Secretaría de Estado, 1914, p. 361.]

In accordance with the proclamation, published by an order of the fifth of August of the present year, announcing the strict neutrality to be observed by the Government of Cuba as well as by all its inhabitants and all Cuban residents abroad in regard to the belligerent powers in the present European conflict, it has been resolved to publish the rules which follow and which have been consecrated by the practice of nations and by several treaties between various countries as well as by other conventions, in several of which the Republic of Cuba has taken part, in order that they may be kept in evidence and duly observed:

First. No belligerent shall establish in the territory of the Republic of Cuba stations of radiotelegraphy or any other apparatus whatever destined to be a means of communication with belligerent forces, be these on land or sea.

Second. It is forbidden to form corps of combatants or to open enlistment offices in the territory of the Republic of Cuba for the benefit of a belligerent.

Third. It is forbidden for a belligerent to make use of a wireless telegraphy apparatus belonging to the Government.

Fourth. No Cuban citizen residing in a belligerent country shall be able to avail himself of his neutrality if he commits actions of hostility against or in favor of a belligerent, especially so if he voluntarily enters into military service in favor of one of the belligerent parties.

Fifth. It will not be allowed for any hostile action, including capture or right of search, to be done by a belligerent in the lawful waters of Cuba.

Sixth. No belligerent shall be allowed to hold a prize court in the territory of the Republic of Cuba or in vessels in the lawful waters of Cuba.

Seventh. Within the jurisdiction of the Republic of Cuba it shall be forbidden to arm and equip vessels when there is reason to believe that these are destined to serve as ships of war or to be used in hostile operations against any one or more of the powers with which this Republic is at peace.

Eighth. Vessels of belligerents shall not remain in the ports, inlets, and lawful waters of the Republic of Cuba for more than twenty-four hours unless they are obliged to do so because of being unseaworthy or because it is impossible, in that space of time, for them to provide themselves with the amount of fuel necessary to carry them to the nearest port of their own nationality. However, they will be required to leave as soon as the cause for delay in their departure has been eliminated.

Ninth. Belligerent ships of war shall not carry on repairs in ports or inlets of the Republic otherwise than in the measure necessary for the safety of their navigation and without increasing in any manner their military strength. Competent authorities or functionaries of the Republic shall judge of the necessity of the repairs pending, and said repairs shall be completed as rapidly as possible.

Tenth. Belligerent vessels shall not make use of ports, inlets, and lawful waters of the Republic to renew or increase their military provisions or armaments or to increase their crews. However, they may take on board, in the ports of the Republic, provisions in such quantity as would be normal and necessary in time of peace; furthermore, they shall not be allowed to take on more fuel than is necessary to carry them to the nearest port of their own nationality.

Eleventh. Belligerent ships of war which have taken on fuel at a port of the Republic shall not be allowed to renew their provision in any Cuban port before the expiration of three months.

Twelfth. It shall not be allowed to bring prizes into the ports of the Republic unless their condition is such as not to allow of navigation, or on account of high sea or lack of fuel or provisions; they shall, however, always be obliged to leave as soon as the cause of delay is removed. Failing to leave promptly the officers and crew of the prize shall be set at liberty and the crew on board the captain's ship shall be interned.

Thirteenth. A prize which has not been brought into a port of the Republic under the circumstances mentioned in the paragraph above shall be set at liberty.

Fourteenth. In case a belligerent vessel should refuse to leave a port of the Republic after having received notification from the competent Cuban authorities the vessel shall be disabled so that it may be unable to navigate until the end of the war, and the commander of said vessel shall be obliged to facilitate the disabling of the ship. Thus disabled the vessel shall be interned and its officers and crew shall be detained; they shall be allowed to live on their own vessel or another vessel or to find lodging on land, a certain number of men necessary for the care of the interned vessel remaining on it, without embargo. The officers shall be allowed to remain on land, provided they give their word that they will not leave the territory of the Cuban Republic without authorization.

This order shall become effective on its publication in the *Gazette*; the Secretaries of State, of Government, and of Finance will take charge of its execution, respectively, according to the nature of the question.

Mariel, the tenth of August, nineteen hundred and fourteen.

M. G. MENOCAI, *President.*

PAUL DESVERNINE,
Secretary of State.

Circular to the foreign consular corps relating to radio apparatus.

[Boletín Oficial de la Secretaría de Estado, 1914, p. 507.]

HABANA, *September 24, 1914.*

Mr. CONSUL: In order to give due effectiveness to the order of the Honorable President of the Republic, on date of August 10 ultimo, regarding the neutrality to be observed in Cuban territory in consequence of the European conflict, the Government has resolved the following:

1. All commercial vessels of belligerent nations carrying wireless telegraphy apparatus that find themselves in, or arrive at the ports of the Republic shall keep one flag hoisted while they remain in said ports.

2. Mercantile vessels, both Cuban and foreign, which carry wireless telegraphy apparatus shall not use these during their stay in the ports of the Republic.

I have the honor of communicating the above resolution to you that you may transmit it to the captains of the mercantile vessels of your nationality in order that it may be strictly observed by them.

I beg that you will be pleased to acknowledge this communication.

I have the honor to be,

G. PATTERSON, *Second Secretary.*

*Decree relating to the status of armed merchant vessels,
March 3, 1916.*

[Boletín Oficial de la Secretaría de Estado, 1916, p. 501.]

This decree reproduces the memorandum issued by the United States September 19, 1914, *infra*, page 93.

DENMARK.

Royal order of December 20, 1912, concerning the neutrality of Denmark in case of war between foreign powers.

[Lovtidende for Kongeriget Danmark, 1912, a, p. 1342.]

Given at the royal palace Amalienburg, in Copenhagen.

We, Christian X, King of Denmark, the Goths' and Wends' King, Duke of Sleswick, Holstein, Stormarn, Ditsmarsk, Lauenburg,